

## **Eligibility for Admission**

To be eligible for Program participation, an applicant must meet HUD's criteria for eligibility determination, as well as any additional criteria established by the OCHA.

HUD requirements include five factors for eligibility:

- Income limits
- Family composition
- Provision of Social Security number
- Citizenship/eligible immigrant status
- Other criteria for admission as defined in Section 4.E.

Applicant's initial eligibility for placement on the waiting list will be made in accordance with the following factors and will not be verified until selection from the application pool for a Voucher is achieved.

#### **A. FAMILY COMPOSITION**

The applicant must qualify as a family. A family consists of one or more persons living together:

(1) two or more persons sharing residence whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or have evidenced a stable family relationship, for the past twelve months, (2) an elderly family or single person, (3) disabled family, (4) the remaining member of a tenant family, and (5) a displaced family.

A family shall also include two or more persons who are related by blood, adoption or marriage and a person or persons who regularly resides with them and has done so for more than one year, and whose income and resources are available for use in meeting the living expenses of the group. Lodgers or visitors may not be included.

A family shall also include two or more persons with disabilities in cases where individual circumstances justify reasonable accommodation, as verified in writing by a reliable, knowledgeable professional (e.g. doctor, psychologist, case worker, social worker, independent or supported living agency).

A family shall also include the remaining member of a tenant family, who is eligible to remain in the unit based on family composition and/or bedroom size requirement. If these requirements are not met, the remaining member shall be given 60 days to find a unit of appropriate size.

A family shall also include a person who is temporarily absent from the family and intends to return within not more than six months. Family shall also include a member of the U. S. Armed Forces who is absent from the family, regardless of the length of their absence, if they intend to return to and reside with the family and their income and resources are available for use in meeting the living expenses of the family.

#### **Head of Household:**

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under state/local law. [Emancipated minors who qualify under state law will be recognized as head of household.]

#### **Spouse of Head of Household:**

Spouse means the husband or wife of the head of household.

For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads of household.

**Live -In Attendants:**

A family may include a live-in attendant who meets the following criteria:

Provides medical statement(s) required by the OCHA, to allow the tenant to remain in the assisted unit. Such statement(s) allow the OCHA to determine requirements essential to the care and well being of the elderly, handicapped or disabled family member. This medical statement must include the type of care that will be provided and the time spent on each duty; and

Is not obligated for the support of the elderly, handicapped or disabled member; and

Would not be living in the unit except to provide for the care of the elderly, handicapped or disabled family member; and

Whose income will not be counted for purposes of determining eligibility or rent; and

May not be considered the remaining member of the tenant’s family.

This live-in attendant must also submit required identification (e.g. Driver License/state issued identification card, Social Security card, birth certificate, alien registration card); and

Must be a legal resident in the U.S.A.

At any time, the OCHA may refuse to approve a particular person as a live-in-aide, or may withdraw such approval, if the person:

- Commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- Commits drug-related criminal activity or violent criminal activity; or
- Currently owes rent or other amounts to the OCHA or to another public housing agency (PHA) in connection with Section 8 or public housing assistance under the 1937 Act.

Relatives are not automatically excluded from being care attendants , but must meet the definition described above.

When a live-in attendant is added to the family composition, the OCHA must perform a criminal history check on the new member(s). A criminal check is required on all live-in attendants.

Live-in attendant needs to be available according to the type of care and time specified for each duty on the medical statement.

Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in’s family members do not overcrowd the unit.

Live-in attendants cannot be the remaining member of the tenant family. If the person they are attending is no longer a participant of the Section 8 Rental Assistance Program, an attendant will not be entitled to a Housing Choice Voucher.

**Multiple Attendants:**

A family may have multiple attendants who work separate shifts provided that doing so does not increase the subsidy by the cost of an additional bedroom.

Note Verification procedures in Chapter 9. Verifications.

**Split Households Prior to Housing Choice Voucher Issuance:**

Applicants who are on the OCHA's waiting list may have a change in family composition if two parties split up and each wants to retain their status (date/time) on the waiting list.

In cases where the OCHA must make a determination as to who will retain the waiting list position, the waiting list position may be retained by either of the two new family units if there is mutual consent of the heads of the two new family units or there is a determination by a Court as to which new family unit is to retain the position on the OCHA's waiting list. Otherwise, the OCHA will determine which of the two new family units will continue to retain the place on the waiting list.

In making this decision, the OCHA shall consider which family member has physical custody of the children. If there are no children in the household and the parties remain eligible and cannot make a decision as to who remains the applicant, the OCHA will hold the application for ninety days pending a decision by the parties. After that time, if there is no decision, the Voucher will be awarded to the person who is listed as head of household on the application.

Documentation as to these factors will be the responsibility of the requesting parties. If documentation is not provided, the OCHA reserves the right to make the decision based on who is listed as head of household on the application, as long as the individual qualifies as an eligible family. There may be an exception granted in the case of a battered spouse, with verification of this situation.

**Multiple Families in the Same Household:**

It is possible to have what appears to be two families in the same household (such as a mother and father and daughter with her own family.) If the family applies as a family unit, they shall be treated as a family unit.

**Joint Custody of Children:**

When both parents are applying for Section 8 Rental Assistance Programs and both parents are attempting to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

Non-school age children who are subject to a joint custody agreement, but live in the unit at least 51% of the time, will be considered members of the household. The definition of "51% of the time" is 183 days of the year, which do not have to run consecutively.

**B. INCOME LIMITATIONS**

Annual Income for admission shall not exceed the very-low-income limits established by HUD or any other limits as may be established by HUD.

OCHA must target 75% of new admissions for extremely low income families.

**C. MANDATORY SOCIAL SECURITY NUMBERS**

Families are required to provide Social Security numbers or employer identification numbers for all family members age six and over if they have such identification prior to admission. All such members of the family must either:

- Submit Social Security number documentation; or
- Sign a certification that they have not been issued a Social Security number. If the family member is under the age of 18 at the time of admission, the certification can be executed by his or her parent or guardian. Such certification will be reviewed to determine the legal right to reside and in determining the family's rental contribution.

Verification methods are described in Chapter 9. Verification.

**D. CITIZENSHIP**

HUD prohibits making financial assistance available to persons other than United States citizens, nationals, or certain categories of eligible noncitizens in the Section 8 Rental Assistance Programs administered by the OCHA. A family may be eligible despite the ineligibility of one or more family members.

Effective June 19, 1995, Section 214 of the Housing and Community Development Act of 1980, as amended, was implemented by HUD and will be applied by the OCHA in accordance with governing directives and local housing authority policy.

**E. OTHER CRITERIA FOR ADMISSION**

There are other criteria that must be met in order for an applicant to be determined eligible for assistance under the Section 8 Rental Housing Choice Voucher Program.

If the family, as a previous participant in the Housing Choice Voucher Program, was terminated for receiving benefits which they were not entitled to receive, the family may be declared ineligible. Families that committed a willful and intentional misrepresentation will be denied admission.

Upon the OCHA's review, an applicant may be allowed to repay amounts owed in full if the family, as a previous participant in the Housing Choice Voucher Program, owes money to a PHA for a claim paid to an owner for unpaid rent, damages, and vacancy loss or other program violations. At the final eligibility determination, amounts owed to the OCHA or other PHA must be repaid as described in Chapter 25. Repayment Agreements of this document.

An applicant family may be declared ineligible for the Housing Choice Voucher Program if any member of the family has engaged in those activities (such as drug related or violent criminal activity) described in Chapter 20 of this Administrative Plan.

Initial screening of applicants will comprise of routine inquiries of the family and any other information provided to the OCHA. The inquiries will be standardized and directed to all applicants by inclusion of the inquiry on the application form. If the OCHA has reason to believe that the applicant family, or any member thereof, has engaged, or is engaging, in drug-related or violent criminal activity, the OCHA may conduct a closer inquiry to determine whether the family should be denied admission. Verification of any past activity will be done at the final eligibility and may include a check of court conviction records or other records. The OCHA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender/registration requirement in California and in any other states where the household members are known to have resided.

**F. SUITABILITY OF FAMILY**

In issuing rental assistance, the OCHA may not screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen voucher holders as to suitability and acceptability. Such factors include (but are not limited to) prior rent paying history, outstanding debts owed to previous owners, history of damage to rental properties, police record, employment, etc. However, the OCHA may take into consideration, before issuing a Housing Choice Voucher, whether the applicant owes money to the OCHA or another Housing Authority, or should be denied access to the program because of a history of drug or violent criminal activity or any other reason identified above.

**G. CHANGES WHICH OCCUR BETWEEN FINAL ELIGIBILITY DETERMINATION AND EXECUTED CONTRACT DATE**

Changes which occur during this period will affect eligibility to lease the unit.

Ineligible families will be given the opportunities outlined in Chapter 23 (Complaints and Appeals) of the Administrative Plan.